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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,323	06/24/1999	RICHARD G. HARTMANN	EN998070	8931

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EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2152	3

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

Office Action Summary	Application No. 09/344,323	Applicant(s) HARTMANN ET AL.	
	Examiner Hai V. Nguyen	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This Action is in response to the information received on 24 June 1999.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being unpatentable over Tso et al. (US 6185625 B1) hereinafter referred to as Tso.

Regarding claim 1, Tso, Scaling Proxy Server Sending TO The Client A Graphic User Interface For Establishing Object Encoding Preferences After Receiving The Client's Request For The Object, disclose a method for operating a server (Fig. 2, remote scaling server 1) responsive to a request for data from a client browser (Fig. 2; network client 3 with browser 12), comprising the steps of: receiving from said browser a head request (object request) for the header of a data file; responsive to said head request, serving to said browser data file header information (encoded/scaled object) including data type and data size (col. 2, lines 60-63; col. 3, lines 57-60); receiving from

said browser a get request; and thereafter responsive to said get request, serving to said browser data corresponding to said header (Tso teaches that downloading a graphic user interface to the client in response to receiving the object request, the graphic user interface comprising a set of automatically executing instructions for requesting a scaling preference from a user of the client, receiving response from a user, and transmitting the user response to the server, col. 22, lines 2-8).

Regarding claim 2, Tso discloses a method for operating a client browser (Fig. 5, network client 3) for requesting a data file from a server, comprising the steps of: receiving data parameters from a browser user (Tso teaches that Encode manager 7 determines the content type for data stream (e.g., image/jpeg, image/gif, video/mpeg) col. 10, lines 60-62 and encode service provider 8 may look at other information pertaining to the incoming data stream, such as the content length (from the HTTP header), col. 11, lines 22-25); communicating to said server a head request (Tso teaches that network client 3 communicates requests for information to, and receives information from, network server 1 over a client/server communication link 4, col. 5, lines 56-59); receiving from said server in response to said head request a data file header describing data file parameters; determining if said data file parameter are within said user data parameters; and if so communicating to said server a get request requesting said server to serve said data file (in Fig. 5, Tso teaches that network client 3 includes an HTTP local proxy 18 coupled to a decode manager 19 which, similar to encode manager 7 of remote scaling server 1, controls one or more decode service providers 20. Each decode service provider 20 is responsible for decompression and/or

translation of one or more different types of data content, and serves as counterpart to an encode service provider 8, col. 13, lines 55-62).

Regarding claim 3, Tso discloses, wherein said data parameters define the data type size acceptable to said user and wherein said data file parameters include the data content type and data content size of said data file (Tso teaches that pop-up window 14 in fig. 3 enables the user to change his or her preference as to whether scaled or original content is desired, and communicates such changes to HTTP remote proxy 6, col. 12, lines 20-24).

Regarding claim 4, Tso discloses, wherein said data file comprises a plurality of data files including one or more inline documents (Tso teaches that another possibility is that enabled network 3 includes one or more add-ins 23 specifically configured to render or playback particular new MIME type generated by remote scaling server 1. Such add-ins 23 are beneficial in that they generally may be configured to permit a user to click on a specific object to obtain a different quality representation and are easy upgradeable, col. 14, lines 41-55).

Regarding claim 5, Tso discloses, wherein each of said plurality of data files is of a type selected from the set of data file types including image data, video data, audio data, and text data (col. 2, lines 35-39; col. 6, lines 32-36).

Regarding claim 6, Tso discloses, wherein a head request is submitted separately for each said inline document (Tso teaches that this encode service provider 8 uses a separate thread to read the incoming data stream, scale it and place it within the entry of server-side cache memory 10, col. 9, lines 19-25)

Regarding claim 7, Tso discloses, wherein said get request is submitted selectively only for those inline documents having data parameters within said user parameters (Tso teaches that when network client 3 requests a hyperlink object, HTTP remote proxy 6 uses either GetObject() or GetScaledObject() call (depending on the network client 3 is capable of receiving scaled data types) to retrieve the hypertext object from encode manager 7, col. 9, lines 3-7; col. 6, lines 36-44).

Regarding claim 8, Tso discloses, wherein said data parameters include a maximum data size and a minimum data size acceptable to said user (Tso teaches that window 14 enables the user to change his or her preference as to whether scaled or original content is desired, col. 12, lines 20-22).

Regarding claim 9, Tso discloses, responsive to said data file parameters not being within said user data parameters, comprising the further step of providing to said user the option of modifying said user data parameters (Tso teaches that if the MIME type is matched and the dimensions of the object are sufficiently large to justify the expense of scaling , HTTP local proxy 18 modifies the HTML for the object to ensure that browser 12 invokes an appropriate add-in 23 to render the object, col. 15, lines 35-44).

Regarding claim 10, Tso discloses, responsive to said data file parameters not being within said user data parameters, comprising the further step of providing to said user the option of requesting a portion of said data file (Tso teaches that in an advantageous optional of add-ins 23, network client 3 may be configured to request that an appropriate add-in 23 be downloaded from HTTP remote proxy 6 in the event that

network client determines it is unable to decode a particular received data type, col. 14, lines 56-60).

Claims 11, 12 recite a server system corresponding to the method of operations of claim 1. The server system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating server responsive to a request for data from a client browser which results from the reference discussed above regarding the claims to the method. Thus the server system described in claim 11, 12 would have been obvious in view of the elements provided in the reference that correspond to the steps implemented in the method for the same reason discussed above regarding claim 1.

Claim 13 recites a system (a client browser) corresponding to the method of operations of claim 2. The system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating client browser for requesting a data file from a server which results from the reference discussed above regarding the claims to the method. Thus the system described in claim 13 would have been obvious in view of the elements provided in the reference that correspond to the steps implemented in the method for the same reason discussed above regarding claim 2.

Regarding claim 14, Tso discloses, a program storage device readable by the machine, tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 2. The Examiner **takes Official Notice (see MPEP**

2144.03) that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the programs codes of web pages display adjustment because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

Regarding claim 15, Tso discloses, an article of manufacture, tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 2. The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the programs codes of web pages display adjustment because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

Regarding claim 16, Tso discloses, a computer program element for operating a client browser for requesting a data file from a server to perform method steps as of claim 2. The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display.

Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the programs codes of web pages display adjustment because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

Regarding claim 17, Tso discloses, a program storage device readable by the machine, tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 1. The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the programs codes of web pages display adjustment because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shoji et al. (US 5764908),Geller et al. (US 5844554), D'Arlach eta l. (US 6026433), Himmel (US 6167441), Straud et al. (US 6216141 B1), Beranck et al. (US 6226642 B1)Ko et al. (US 6296185 B1), Kanevsky et al(US 6300947 B1) are related to the web page display technology.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3230.

Hai V. Nguyen
Examiner
Art Unit 2152
HVN
January 12, 2002

MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.